

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DEMOS P. DEMOPOULOS, STEPHEN MALONE,  
and MICHAEL SPINELLI, as Union Trustees and  
Fiduciaries of the LOCAL 854 PENSION FUND and  
the LOCAL 854 HEALTH AND WELFARE FUND,

Plaintiffs,

- against -

JOHN CURCIO, WILLIAM CASSESE, and  
KENNETH BARRETT, as Employer Trustees of the  
LOCAL 854 PENSION FUND and the LOCAL 854  
HEALTH AND WELFARE FUND,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

In a report and recommendation dated January 10, 2021, (the “R&R”), Magistrate Judge Peggy Kuo recommended that the Court deny plaintiffs’ motion for a preliminary injunction and compel plaintiffs to move forward with arbitration. (R&R (Doc. No. 40).) Judge Kuo advised the parties that they had 14 days from the date of that R&R in which to file objections. (*Id.*) The R&R was electronically served on January 10, 2021. To date, neither party has filed an objection to the R&R.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is

ORDERED that the R&R is adopted in its entirety, that the motion for a preliminary injunction is denied, and that plaintiffs are compelled to move forward with arbitration pursuant to the Notice.

SO ORDERED.

**ORDER ADOPTING**  
**REPORT AND**  
**RECOMMENDATION**  
20-CV-1208 (RRM) (PK)

SO ORDERED.

Dated: Brooklyn, New York  
March 2, 2021

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge